

**1750. Adulteration of canned salmon. U. S. v. 238 Cases of Canned Salmon. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 3762. Sample No. 46460-E.)**

Examination of this product showed the presence of decomposed salmon.

On February 5, 1941, the United States attorney for the Eastern District of New York filed a libel against 238 cases of canned salmon at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about November 19, 1940, by Taylor Edwards Warehouse & Transfer Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "North View Brand Pink Alaska Salmon."

On February 27, 1941, Andrew S. Day, trading as North Pacific Sea Foods Co., Valdez, Alaska, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be sorted according to codes, that the codes containing good fish be separated from those containing decomposed fish and that the latter be destroyed or sorted further in order to salvage any good portions, and that any good fish so salvaged be relabeled "Reprocessed." It was provided further that any rejected fish might be disposed of for animal or fish food in lieu of destruction.

**1751. Misbranding of canned salmon. U. S. v. 62 Cases of Canned Salmon. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 3593. Sample No. 46035-E.)**

This product was unlabeled when shipped in interstate commerce and invoiced as coho salmon, but subsequent to such shipment, it had been labeled to indicate that it was red salmon.

On December 26, 1940, the United States attorney for the Eastern District of New York filed a libel against 62 cases of canned salmon at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce by C. F. Buelow Co., Inc., from Seattle, Wash.; and charging that it had been shipped unlabeled, invoiced as coho salmon, and labeled by the consignee, and that as so labeled it was misbranded. The label read in part: "Brookline Brand Medium Red Alaska Salmon The Brooklyn Wholesale Grocery Co. Brooklyn, N. Y." The words "Red Alaska Salmon" appeared prominently, while the word "Medium" was inconspicuously stamped on the design of a fish.

The article was alleged to be misbranded in that the prominent statement "Red Alaska Salmon" was false and misleading as applied to coho salmon, and this misleading impression was not corrected by the relatively inconspicuous word "Medium." It was alleged to be misbranded further in that the firm name "Brooklyn Wholesale Grocery Co. Brooklyn, N. Y." was false and misleading, since that firm was not a manufacturer, packer, or distributor. It was alleged to be misbranded further in that it was in package form and failed to bear the name and place of business of the manufacturer, packer, or distributor.

On March 4, 1941, the Sweet Life Food Corporation, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled to show that it was medium red, or coho, salmon and to comply with other labeling requirements of the law.

**1752. Adulteration and misbranding of tuna fish. U. S. v. 86½ Cases of Tuna Fish. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 3660. Sample No. 33005-E.)**

This product was not white meat tuna as labeled, but was a yellow-fin tuna or a similar species having light brown or tan-colored flesh.

On January 14, 1941, the United States attorney for the District of New Jersey filed a libel against 86½ cases of tuna fish at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about May 23, 1940, by Steinhardt & Nordlinger from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Filigree White Meat Tuna Fish Filigree Quality Foods, Inc. Newark, New Jersey Distributors."

The article was alleged to be adulterated in that a substance, yellow-fin tuna or a similar species other than that known as white meat tuna, had been substituted wholly or in part for white meat tuna, which it purported to be. It was alleged to be misbranded in that the statement "White Meat Tuna" was false